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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

13 **ALYCIA BRITTANY STAGGS**  
14 **17200 Armintrout Dr**  
**Riverside, CA 92504**

15 **Registered Nurse License No. 785551**

16 Respondent.

Case No. **2013-94**

**A C C U S A T I O N**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 18, 2010, the Board of Registered Nursing, Department of  
24 Consumer Affairs issued Registered Nurse License No. 785551 to Alycia Brittany Staggs  
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
26 the charges brought herein and will expire on October 31, 2012, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

...

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490, subdivision (a) of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order  
2 to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or  
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the  
9 following:

10 . . . .

11 (f) Conviction of a felony or of any offense substantially related to the  
12 qualifications, functions, and duties of a registered nurse, in which event the record  
of the conviction shall be conclusive evidence thereof. . . .

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the  
15 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
person licensed under this chapter to do any of the following:

16 . . . .

17 (b) Use any controlled substance as defined in Division 10 (commencing with  
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
19 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
dangerous or injurious to himself or herself, any other person, or the public or to the  
20 extent that such use impairs his or her ability to conduct with safety to the public the  
practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,  
22 or self administration of any of the substances described in subdivisions (a) and (b) of  
23 this section, or the possession of, or falsification of a record pertaining to, the  
substances described in subdivision (a) of this section, in which event the record of  
the conviction is conclusive evidence thereof. . . .

24 11. Section 2765 of the Code states:

25 A plea or verdict of guilty or a conviction following a plea of nolo contendere  
26 made to a charge substantially related to the qualifications, functions and duties of a  
27 registered nurse is deemed to be a conviction within the meaning of this article. The  
board may order the license or certificate suspended or revoked, or may decline to  
28 issue a license or certificate, when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under the

provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

### REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444 states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445(b) states:

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

### COSTS

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(September 17, 2009 Criminal Conviction for Driving With**  
3 **Blood Alcohol Content of 0.08 Percent or More on June 13, 2009)**

4 15. Respondent has subjected her license to disciplinary action under sections 490, and  
5 2761(f) of the Code in that she was convicted of a crime that is substantially related to the  
6 qualifications, duties, and functions of a registered nurse. The circumstances are as follows:

7 a. On or about September 17, 2009, in a criminal proceeding entitled *The People*  
8 *of the State of California v. Alycia Brittany Staggs*, in the Orange County Superior Court, Case  
9 No. 09WM06105, Respondent was convicted on her plea of guilty to violating Vehicle Code  
10 section 23152(b) (driving with a blood alcohol level (BAC) of 0.08% or more), to wit: BAC of  
11 0.17%, a misdemeanor.

12 b. As a result of the conviction, Respondent was placed on summary probation for  
13 three (3) years and sentenced to fifteen (15) days custody, and ordered to pay various fines and  
14 fees, complete a 3-month First Offender Alcohol Program, and attend and complete the MADD  
15 Victim's Impact Panel.

16 c. The facts that led to the conviction are that on or about June 13, 2009, at  
17 approximately 1:50 a.m., a Huntington Beach Police Officer observed Respondent speeding and  
18 lane straddling. The officer made a traffic stop and contacted Respondent who had symptoms of  
19 being impaired. The result of a breathalyzer test revealed that Respondent had a blood alcohol  
20 content of .17%.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(January 30, 2012 Criminal Convictions for DUI, and Driving With**  
23 **Blood Alcohol Content of 0.08 Percent or More on October 16, 2011)**

24 16. Respondent has subjected her license to disciplinary action under sections 490, and  
25 2761(f) of the Code in that she was convicted of crimes that are substantially related to the  
26 qualifications, duties, and functions of a registered nurse. The circumstances are as follows:

27 a. On or about January 30, 2012, in a criminal proceeding entitled *The People of*  
28 *the State of California v. Alycia Brittany Staggs*, in the Orange County Superior Court, Case No.

1 11CM15112, Respondent was convicted on her plea of guilty to violating Vehicle Code sections  
2 23152(a) (driving while under the influence of alcohol) and 23152(b) (driving with a blood  
3 alcohol level (BAC) of 0.08% or more), to wit: BAC of 0.23%; misdemeanors.

4 b. As a result of the convictions, Respondent was placed on informal probation for  
5 five (5) years and sentenced to forty-five (45) days in custody, and ordered to pay various fines  
6 and fees, complete an 18-month Multiple Offender Alcohol Program, attend the MADD Victim's  
7 Impact Panel, complete phase 2 and 3 of the Twin Tower Outpatient chemical dependency  
8 program, as well as other alcohol related probation terms.

9 c. The facts that led to the convictions are that on or about October 16, 2011, at  
10 approximately 9:10 p.m., a California Highway Patrol Officer was notified that a concerned  
11 citizen reported a possible intoxicated driver traveling southbound on the SR-55, in Orange  
12 County, California. The officer located the suspect vehicle that had been described by the citizen.  
13 The officer followed directly behind Respondent's vehicle and watched the car straddle lane  
14 markers for approximately one mile. Respondent's vehicle varied speeds from 50 to 60 miles per  
15 hour.

16 d. The officer made a traffic stop, contacted Respondent and immediately detected  
17 the strong odor of alcohol emanating from her vehicle. As the officer spoke to Respondent he  
18 noted that her eyes were red and watery, her speech was slurred and she had a strong odor of  
19 alcohol about her person. The officer conducted field sobriety tests which Respondent was  
20 unable to complete as explained and demonstrated by the officer.

21 e. Respondent agreed to take a breath test however, she would barely blow into  
22 the machine and placed her tongue over the mouthpiece to obstruct air from entering the device.  
23 After the fourth failed attempt to provide a breath sample, a blood sample was taken, which  
24 revealed a blood alcohol content of .23%, approximately one hour and fifteen minutes after the  
25 initial stop.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

3 17. Respondent has subjected her registered nurse license to disciplinary action for  
4 unprofessional conduct under section 2762, subdivision (b) of the Code in that on or about June  
5 13, 2009, and October 16, 2011, as described in paragraphs 15 and 16, above, Respondent used  
6 alcoholic beverages to an extent or in a manner that was potentially dangerous and injurious to  
7 herself and to others in that she operated a motor vehicle while impaired by alcohol.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)**

10 18. Respondent has subjected her registered nurse license to disciplinary action for  
11 unprofessional conduct under section 2762(c) of the Code in that on or about September 17, 2009  
12 and January 30, 2012, as described in paragraphs 15 and 16, above, Respondent was convicted of  
13 criminal offenses involving the consumption of alcohol.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 785551, issued to Alycia  
18 Brittany Staggs;  
19 2. Ordering Alycia Brittany Staggs to pay the Board of Registered Nursing the  
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
21 Professions Code section 125.3; and  
22 2. Taking such other and further action as deemed necessary and proper.

23 DATED: August 7, 2012

24 Louise R. Bailey  
25 LOUISE R. BAILEY, M.ED., RN  
26 Executive Officer  
27 Board of Registered Nursing  
28 Department of Consumer Affairs  
State of California  
Complainant

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